

Message from the Governor.

The Chair recognized the Door-keeper, who introduced a messenger from the Governor with the following message:

Executive Office,

Austin, Texas, Jan. 25, 1935.

To the Senate of the Forty-fourth Legislature:

I hereby request confirmation by the Senate of the following appointments:

To be Tax Commissioner: R. B. Anderson, of Johnson County.

To be Commissioner of Labor Statistics: F. E. Nichols, of Ellis County.

To be Casualty Insurance Commissioner: R. G. Waters, of Bowie County.

To be Livestock Sanitary Commissioners: Chairman, Dave Nelson, of Orange County, to succeed Leo Callan. Members: R. H. (Bob) Martin, of Val Verde County, to succeed W. M. Glenn; Roy Jackson, of Webb County, to succeed Ed Steger.

To be member of Board of Pardons and Paroles: J. B. Keith, of Erath County, to succeed Fred S. Rogers.

Judge of the Special District Court for Rusk County: Paul G. Brown, of Rusk County.

Judge of the Special District Court for Gregg County: D. S. Meredith, Jr., of Gregg County.

I respectfully ask the advice and consent of the Senate to the appointment of the officers named above.

JAMES V. ALLRED,
Governor of Texas.

Request for Executive Session.

Senator Oneal asked unanimous consent of the Senate to order an Executive Session.

Unanimous consent was granted.

Executive Session.

On motion of Senator Oneal the Senate at 11:40 a. m., went into Executive Session to consider Governor's nominations.

After Executive Session.

At the conclusion of the Executive Session the Secretary of the Senate informed the Journal Clerk that the following action had been taken:

Committee Room,

Austin, Texas, Jan. 25, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Governor's Nominations, to whom was referred the following nominations:

To be Judge of the Special District Court of Gregg County: Hon. D. S. Meredith, Jr., of Gregg County. To be Judge of the Special District Court of Rusk County: Hon. Paul G. Brown of Henderson, Rusk County.

Have had the same under consideration, and I am instructed to report back to the Senate with the recommendation that the above named persons for the above named positions be in all things confirmed.

ONEAL, Chairman.

Adopted.

Adjournment.

On motion of Senator Van Zandt the Senate, at 11:45 a. m., adjourned until 10:00 o'clock a. m. Monday.

FOURTEENTH DAY.

Senate Chamber,

Austin, Texas,

January 28, 1935.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem. K. M. Regan.

The roll call disclosed a quorum, the following Senators being present:

Beck.	Neal.
Blackert.	Oneal.
Collie.	Pace.
Cotten.	Poage.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Fellbaum.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Hughston.	Westerfeld.
Martin.	Woodruff.
Moore.	

Absent—Excused.

Burns.	Rawlings.
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Prayer by the Chaplain.

Further reading of the Journal

was dispensed with on motion of Senator Woodruff.

Minutes of Committees.

(See Appendix.)

Bills and Resolutions.

Senate Bill No. 166.

By Senators Duggan, Holbrook and Woodruff:

S. B. No. 166, A bill to be entitled "An Act to amend Article 838 of Chapter 8, Title 22, Revised Statutes, 1925, requiring all counties, cities, towns, school districts and improvement districts to file annual reports with the State Comptroller relating to their finances, debts, obligations, sinking funds, taxable values and other resources; adding to said chapter four new articles to be known as Articles 838-A, 838-B, 838-C and 838-D relating to the filing of such reports, the duty of the State Comptroller in respect thereto, defining the terms "finance officer" and "public corporation" or "quasi-public corporation" as used in this Act; amending Articles 839, 840 and 841, relating to the disbursement of interest and sinking funds created to pay bond and warrant debts, prescribing penalty for failure to make the reports required in this Act, prescribing penalty for diversion of interest and sinking funds created to pay bond and warrant debts; prescribing duties of Comptroller, Attorney General, and district or county attorneys in event reports are not filed, or interest and sinking funds are misapplied; adding to said chapter a new article to be known as Article 841-A requiring certified copy of the annual report of each public corporation or quasi-public corporation named herein to be filed with each bond record whenever submitted to the Attorney General for approval by any such corporation; adding another new article to be known as Article 841-B, authorizing charges or fees for copies of such reports; enacting provisions incident and necessary to the subject and purpose of this Act; repealing Chapter 279 of the General Laws of the Forty-second Legislature at its Regular Session in 1931; and declaring an emergency."

Read and referred to the Committee on Towns and City Corporations.

S. J. R. No. 17.

Senator Duggan sent up the following resolution:

By Senators Dug- S. J. R. No. 17.
gan, Holbrook,
and Woodruff.

SENATE JOINT RESOLUTION

Proposing an amendment to Article XI of the Constitution of the State of Texas by adopting a new section to be known as Section 11, and which shall provide that counties, cities and towns may by a majority vote of the qualified voters thereof, at an election held for that purpose, adopt public debt limits in lieu of the ad valorem tax rate limits now prescribed for such subdivisions; providing that the public debt limits herein prescribed shall not apply to any county indebtedness under authority of Article 3, Section 52, and Article 11, Section 7 of this Constitution, or any indebtedness of any city or town under authority of Article 7, Section 3, or Article 11, Section 7 of this Constitution or indebtedness payable from sources other than ad valorem taxes; and providing for the levy of taxes ad valorem for payment of indebtedness of such subdivisions and for support and maintenance of their local governments; providing the debt limitations herein prescribed or voted shall not prevent the issuance of bonds of any such county, city or town for the purpose of funding or refunding the valid indebtedness of such county, city or town; fixing the time for the election for the adoption or rejection of said proposed constitutional amendment; making certain provisions for said election and ballots thereof and the method thereof; directing the issuance of the proclamation therefor; prescribing certain duties of the Governor of the State and making appropriation to defray the expense of said election. Be it resolved by the Legislature of the State of Texas:

Section 1. That Article XI of the Constitution of the State of Texas be amended by adding thereto Section 11, which shall read as follows:

Sec. 11. (a) Any county, if authorized by a majority of the quali-

fied voters thereof voting on the proposition at an election called and held for that purpose by the commissioners' court, may adopt a public debt limit in lieu of the ad valorem tax rate limits now prescribed by Article 8, Section 9 of this Constitution, but no such county shall adopt a public debt limit which permits it to have outstanding at any time indebtedness incurred in any manner or for any purpose (including any outstanding indebtedness heretofore legally made and undertaken) to an amount exceeding in the aggregate the amount of——per centum of the value of taxable property within such county as ascertained by the State and county tax roll last approved previous to the incurring of such indebtedness; provided, that the debt limitations herein prescribed or voted pursuant hereto shall not apply to any indebtedness of any county incurred under authority of either Article 3, Section 52, or Article 11, Section 7 of this Constitution, or to indebtedness payable solely from sources other than ad valorem taxes, and that in computing the indebtedness of such county for the purposes hereof all such indebtedness shall be excluded. The debt limitations herein prescribed or voted pursuant hereto shall not prevent the issuance of the bonds of any such county for the purpose of funding or refunding the valid indebtedness of such county even though the indebtedness of such county may at the time of the issuance of such funding or refunding bonds be in excess of such debt limitations.

(b) Any city or town, if authorized by a majority of the qualified voters thereof voting on the proposition at an election called and held for that purpose by its governing authority, may adopt a public debt limit in lieu of the ad valorem tax rate limitations now prescribed by Article 8, Section 9, and Article 11, Sections 4 and 5 of this Constitution, but no city or town shall adopt a public debt limit which permits it to have outstanding at any time indebtedness incurred in any manner or for any purpose (including any outstanding indebtedness heretofore legally made and undertaken) to an amount exceeding in the aggregate the amount of——per centum of the value of the taxable property within said city or town as ascer-

tained by the tax roll of any such city or town last approved previous to the incurring of such indebtedness; provided, that the debt limitation herein prescribed shall not apply to any indebtedness of any city or town incurred under authority of either Article 7, Section 3, or Article 11, Section 7 of this Constitution, or to indebtedness payable solely from sources other than ad valorem taxes, and that in computing the indebtedness of such city or town for the purposes hereof all such indebtedness shall be excluded. The debt limitations herein prescribed or voted pursuant hereto shall not prevent the issuance of the bonds of any such city or town for the purpose of funding or refunding the valid indebtedness of such city or town even though the indebtedness of such city or town may at the time of the issuance of such funding or refunding bonds be in excess of such debt limitations.

Any county, city or town adopting a public debt limit pursuant to the provisions of this amendment shall, before incurring any indebtedness, levy a direct, continuing, annual, ad valorem tax upon all taxable property therein sufficient in amount to pay, and for the express purpose of paying, the interest on such indebtedness as it falls due and also to pay and discharge the principal thereof at maturity, and provision shall be made by general law for the annual assessment, collection and proper application of such taxes, and for the annual levy, assessment and collection of ad valorem taxes upon all taxable property therein sufficient for the payment of all legal indebtedness of such county, city or town outstanding on the date of the adoption of such public debt limit. Provision shall also be made by general law for the annual levy, assessment and collection of ad valorem taxes on all taxable property in any county, city or town adopting a public debt limit under the provisions hereof for the support and maintenance of the local government of such county, city or town, but the power of such county, city or town to levy taxes for the support and maintenance of the local government thereof shall be so restricted by the Legislature as to prevent the abuse of such power.

Sec. 2. The foregoing constitu-

tional amendment shall be submitted to a vote of the qualified electors for members of the Legislature, at an election to be held for such purpose on the _____ in _____

A. D. 19—, the same being the _____ day of _____,

A. D. 19—. At said election the vote shall be by official ballot which shall have printed or written thereon, "For the amendment to Article 11 of the Constitution of the State of Texas, authorizing all counties, cities, or towns to adopt public debt limits pursuant to a majority vote of the qualified voters thereof, at an election held therein for that purpose," and also the words, "Against the amendment to Article 11 of the Constitution of the State of Texas, authorizing all counties, cities or towns to adopt public debt limits pursuant to a majority vote of the qualified voters thereof, at an election held therein for that purpose." All the voters favoring this proposed constitutional amendment shall erase the words "Against the amendment to Article 11 of the Constitution of the State of Texas, authorizing all counties, cities or towns to adopt public debt limits pursuant to a majority vote of the qualified voters thereof, at an election held therein for that purpose," and those opposed shall erase the words, "For the amendment to Article 11 of the Constitution of the State of Texas, authorizing all counties, cities or towns to adopt public debt limits pursuant to a majority vote of the qualified voters thereof, at an election held therein for that purpose," which said erasures shall be made by making a mark by pencil or pen through said words. All ballots cast as above provided shall be counted as cast for or against this proposed amendment, and if a majority of the votes cast shall be for the amendment, it shall be declared adopted; if a majority of the votes cast shall be against the amendment, said amendment shall be lost. All of the provisions of the general election laws as amended and in force at the time said election is held shall govern in all respects as to the qualifications of electors, the method of holding such election and in all other respects as far as election laws can be made applicable.

Sec. 3. The Governor of this State is hereby directed to issue the neces-

sary proclamation for said election and to have the same published as required by the Constitution and laws of this State.

Sec. 4. The sum of five thousand dollars (\$5,000.00), or so much thereof as may be necessary, is hereby appropriated, to defray the expenses of such proclamation publication and election.

Read and referred to the Committee on Constitutional Amendments.

Senate Bill No. 167.

By Senator Davis:

S. B. No. 167, A bill to be entitled "An Act amending Article 3780 of the Revised Civil Statutes of 1925; providing that where the execution requires that the judgment shall be made out of the property of the debtor, it may be issued in the first instance as well as subsequently to any county in the State, and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

Senate Bill No. 168.

By Senator Davis:

S. B. No. 168, A bill to be entitled "An Act regulating and controlling representation in legislative matters in the practice of influencing legislation by personal contact; prescribing limitations of such activities and outlining procedure for same; and further prohibiting any person from influencing, or seeking to influence, the vote of any member of the House of Representatives or Senate by promising to, withholding or withdrawing from, any person employment or appointment to any position; and further prohibiting any member of the House of Representatives or Senate from voting, or promising to vote, for or against any measure in return for the promise for any employment or position to, or withholding or withdrawing of any employment or position from, himself or any other person; and prescribing penalties for violations, thereof, and repealing Articles 179 to 183, inclusive, of the 1925 Penal Code of Texas, and declaring an emergency."

Read and referred to the Committee on State Affairs.

Senate Bill No. 169.

By Senator Regan:

S. B. No. 169, A bill to be entitled "An Act amending Subdivision 36 of

Article 1302, Title 32, Chapter 1, of the Revised Civil Statutes of 1925, and amending Articles 1495 and 1496 of Title 32, Chapter 15, of the Revised Civil Statutes of 1925, so as to add, after the words 'mineral solutions,' in each of said articles, the words 'and liquified minerals,' and amending Article 1505 of Title 32, Chapter 15, of the Revised Civil Statutes of 1925, so as to add, after the word 'salt' in such article, the words 'mineral solutions and liquified minerals,' and declaring an emergency."

Read and referred to the Committee on Mining, Irrigation and Drainage.

Senate Resolution No. 27.

Whereas, There is now pending in the Senate of the United States the question of the entrance of this Nation into the World Court, and the final vote in that body on ratification thereof is imminent; and,

Whereas, Entrance by the United States into the World Court is to invite error, violating our time-honored and experienced proven principle that the best interests of this Nation are to be served by the avoidance of foreign entanglements and alliances whether entered into directly or indirectly; and,

Whereas, It is believed that the Texas delegation in the Congress would welcome an expression from this body as to our attitude on this momentous public question; now, therefore, be it

Resolved, by the Senate of Texas, That we deplore and decry this movement to thrust this Nation into the League of Nations, through its back door the World Court, and that we hereby express our opposition thereto calling upon the Texas Senators to weigh carefully the evils to flow from such action and expressing the hope of the people of Texas that their votes will be cast in opposition to our entrance into the World Court; and be it further

Resolved, That copies of this resolution be immediately forwarded by the Secretary of the Senate to the Hon. Morris Sheppard and the Hon. Tom Connally, members of the Senate of the United States from Texas, and that copies thereof be forwarded to the Texas delegation in the National House of Representatives.

HOPKINS.

Read.

Senator Hopkins asked unanimous consent that the rule requiring resolutions to be sent to a committee be suspended and that S. R. No. 27 be taken up at this time.

Senator Collie objected.

Senator Hopkins explained the resolution.

Senator Collie withdrew his objection.

The Senate rule was suspended by unanimous consent.

Senator Hopkins moved that S. R. No. 27 be adopted.

The motion prevailed by viva voce vote.

Vote Recorded.

Senator Collie asked to be recorded as present, not voting, on the adoption of S. R. No. 27.

Senate Bill No. 83.

Senator Redditt asked unanimous consent that S. B. No. 83 be re-referred to the Committee on Civil Jurisprudence.

Unanimous consent was granted.

Senate Bill No. 170.

By Senator Redditt:

S. B. No. 170, A bill to be entitled "An Act making appropriations for the support and maintenance of summer schools during the summer of the year 1935, at the several State institutions of higher learning in the State of Texas, authorizing the expenditure by said institutions of certain additional amounts from fees collected from summer school students, and declaring an emergency."

Read and referred to the Committee of Finance.

Motion to Re-refer.

S. R. No. 17.

Senator Hornsby asked unanimous consent that S. R. No. 17 be re-referred to the Committee on Constitutional Amendments.

Unanimous consent was granted.

Presentation.

Senator Poage presented Senator and Mrs. H. Grady Woodruff with a gift from the members of the Senate and their wives.

Senator Pace moved that Mrs. Woodruff be invited to address the Senate.

The motion prevailed unanimously.

The Chair, President Pro Tem. K. M. Regan, appointed Senators Poage, Beck and Cotten to escort Mrs. Woodruff to the platform.

The President Pro Tem, K. M. Regan, presented Mrs. Woodruff.

Senator and Mrs. Woodruff spoke briefly, expressing their appreciation to the Senate.

Senators Excused.

On motion of Senator Hill, Senator Burns was excused on account of important business.

On motion of Senator Davis, Senator Rawlings was excused on account of important business.

Message From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, Jan. 28, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 1, A bill to be entitled "An Act authorizing any taxpayer in any common school district or independent school district to pay one-half or all of such school tax prior to the payment of any other tax that may be collectible on the same roll during the period of time covered by this Act; making provision for the receipt of same by the collector in making proper record thereof and providing for the issuance of official tax receipt or certificate of redemption upon final payment; authorizing, if desired, the making of a special roll showing such school taxes segregated; suspending all laws in conflict therewith, and declaring an emergency."

H. B. No. 197, A bill to be entitled "An Act to promote and make practical the conservation and timely utilization of the natural resources of the State in compliance with the intent and command of Section 59 of Article XVI of the Constitution; and to meet the emergency created by the request of the Federal Government that the State make immediate provision, under warrant of law, whereby there may be desirable coordination between plans for improvements in Texas by the Federal Government, by means of expendi-

tures to be made by the 'National Resources Board,' and other Federal agencies, and such improvements as hereafter may need to be provided by the agencies of the State, etc., and declaring an emergency."

S. B. No. 91, A bill to be entitled "An Act to amend Article 4941, Revised Civil Statutes of 1925, and declaring an emergency."

S. B. No. 92, A bill to be entitled "An Act to amend Article 392, Revised Civil Statutes of 1925, and declaring an emergency."

S. B. No. 93, A bill to be entitled "An Act amending Article 5006 of the Revised Civil Statutes, 1925, amended by Acts 1933, Forty-third Legislature, page 851, Chapter 242, and declaring an emergency."

S. B. No. 94, A bill to be entitled "An Act to amend Article 4766, Revised Civil Statutes of 1925, as amended Acts 1929, Forty-first Legislature, page 497, Chapter 237, and declaring an emergency."

S. B. No. 95, A bill to be entitled "An Act to amend Article 416, Revised Civil Statutes of 1925, as amended Acts 1929, Forty-first Legislature, First Called Session, page 48, Chapter 17, and declaring an emergency."

S. B. No. 96, A bill to be entitled "An Act to amend Article 4725 of the Revised Civil Statutes of 1925, as amended Acts 1931, Forty-second Legislature, page 256, Chapter 153, and declaring an emergency."

S. B. No. 98, A bill to be entitled "An Act to amend Article 4993, Revised Civil Statutes of 1915, and declaring an emergency."

S. B. No. 99, A bill to be entitled "An Act to amend Acts of 1933, General Laws, Forty-third Legislature, Regular Session, Chapter 160, page 406, and declaring an emergency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Bills Referred.

H. B. No. 1, read and referred to the Committee on Educational Affairs.

H. B. No. 197, read and referred to the Committee on State Affairs.

Adjournment.

On motion of Senator Holbrook, the Senate, at 11:15 o'clock a. m., adjourned until 10:00 o'clock a. m., Tuesday.

APPENDIX.

Minutes of Committees.

Minutes of Committee on Agricultural Affairs Held January 22, 1935.

Present: DeBerry, Sulak, Poage, Beck, Duggan, Van Zandt, Hill, Small.

Absent: Stone attending State Affairs meeting; Hughston attending State Affairs meeting.

H. C. R. No. 16 was reported favorably by the following vote:

Yeas: Sulak, Beck, Duggan, Van Zandt, Small, Neal. Nays: Poage, Hill.

DICK DeBERRY, Secretary.

Minutes of Committee on Finance, January 23, 1935.

Regular Meeting.

Present: Redditt, Chairman; Beck, Duggan, Holbrook, Hornsby, Martin, Hopkins, Oneal, Poage, Rawlings, Regan, Sanderford, Stone, Woodruff, Burns, Hill, Hughston, Neal, Van Zandt, Sulak.

Absent, excused: Small.

S. R. No. 5 was reported favorably.

S. R. No. 15—Motion to report favorably tabled by following vote:

Yeas: Redditt, Duggan, Holbrook, Poage, Regan, Hughston, Van Zandt, Sulak. Nays: Beck, Rawlings, Sanderford, Woodruff, Burns, Hill. Present, not voting: Martin, Oneal, Stone, Neal, Hopkins. Absent, excused: Small.

S. B. No. 27 was reported favorably.

S. B. No. 136 was reported favorably by the following vote:

Yeas: Beck, Duggan, Hornsby, Oneal, Rawlings, Regan, Woodruff, Burns, Hill, Neal, Van Zandt. Nays: Redditt, Holbrook, Martin, Poage, Sanderford, Stone, Hughston, Sulak.

NOEL K. BROWN, Secretary.

Minutes of Committee on Mining, Irrigation and Drainage Held January 28, 1935.

Called Meeting.

Present: Regan, Hopkins, Blackert, DeBerry, Hill, Holbrook, Neal, Small, Stone, Van Zandt.

Absent, excused: Burns.

S. B. No. 154 was referred to subcommittee (Stone, Chairman; Small

and Van Zandt) for consideration, to be reported back to committee meeting immediately after adjournment on Tuesday morning, January 29.

S. B. No. 156 was reported favorably by the following vote: yeas 10, nays 0.

ORVALEA WILLBANKS,
Secretary.

FIFTEENTH DAY.

Senate Chamber,
Austin, Texas,
January 29, 1935.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem. K. M. Regan.

The roll disclosed a quorum, the following Senators being present:

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Hughston.	Westerfeld.
Martin.	Woodruff.
Moore.	

Absent—Excused.

Fellbaum. Rawlings.

Prayer by the Chaplain.

Further reading of the Journal was dispensed with on motion of Senator Sanderford.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Minutes of Committee Meetings.

(See Appendix.)

Bills and Resolutions.

S. J. R. No. 11.

Senator Van Zandt asked unanimous consent for printing on the minority report of S. J. R. No. 11. Senator Holbrook objected.